

# **AREA PLAN COMMISSION OF TIPPECANOE COUNTY MINUTES OF A PUBLIC HEARING**

DATE ..... May 21, 2003  
 TIME ..... 7:00 P.M.  
 PLACE ..... County Office Building  
 20 N. 3<sup>RD</sup> Street  
 Lafayette, IN 47901

## **MEMBERS PRESENT**

Jack Rhoda  
 Jan Mills  
 KD Benson  
 Jeff Kessler  
 Gary Schroeder  
 Steve Schreckengast  
 David Williams  
 Ashley Stevenson  
 James Miller  
 Karl Rutherford  
 Mark Hermodson  
 Stuart Boehning

## **MEMBERS ABSENT**

Laura Peterson  
 Kathy Vernon  
 John Knochel

## **STAFF PRESENT**

James Hawley  
 Sallie Fahey  
 Margy Deverall  
 Krista Trout  
 Jay Seeger, Atty  
 Michelle D'Andrea

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 21<sup>st</sup> day of May 2003, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jack Rhoda called the meeting to order.

## **I. BRIEFING SESSION**

James Hawley informed the Commission that **Z-2129—R. GREGG SUTTER (AW TO RE) (Abingdon Rural Estate)**, **Z-2125—MANN PROPERTIES, LLP C/O TIM STEVENS (A TO R1B)** and **S-3316—LAKESHORE SUBDIVISION, PHASE 2 (MAJOR-PRELIMINARY)** needed to be continued to the June 18, 2003 meeting.

## **II. APPROVAL OF MINUTES**

Jeff Kessler moved to approve the minutes of the April 16, 2003 public hearing. Jan Mills seconded and the motion carried by voice vote.

## **III. NEW BUSINESS**

*None*

## **IV. PUBLIC HEARING**

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Jan Mills seconded and the motion carried by voice vote.

Jack Rhoda read the meeting procedures.

Jeff Kessler moved to continue **Z-2129—R. GREGG SUTTER (AW TO RE)**, **Z-2125—MANN PROPERTIES, LLP C/O TIM STEVENS (A TO R1B)** and **S-3316—LAKESHORE SUBDIVISION, PHASE 2 (MAJOR-PRELIMINARY)** to the June 18, 2003 regular APC meeting at 7:00 pm. Jan Mills seconded and the motion carried by voice vote.

## **A. ORDINANCE AMENDMENTS**

1. **UZO AMENDMENT #37:** To allow setback averaging within the R3W zoning district for certain properties located within the **urbanized sewer area** of West Lafayette.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

The Commission voted by ballot 12 yes – 0 no to recommend approval of **UZO AMENDMENT #37**.

## B. REZONING ACTIVITIES

1. **Z-2120—MATT SUTTER (GB TO NBU):** Petitioner is requesting rezoning of a portion of a lot located on the southeast corner of Brown and 3<sup>rd</sup> Streets, Lafayette, Fairfield 20 (SE) 23-4. CONTINUED FROM THE APRIL MEETING BY PETITIONER'S REQUEST.

Jeff Kessler moved to hear and approve the above-described requests. Jan Mills seconded the motion.

Sallie Fahey mentioned that the petitioner originally requested a rezone to CB and it has been amended to NBU, which is a less intensive zone. She read the staff report with recommendation of approval.

James Hawley presented slides of the zoning map and aerial photo.

Matt Sutter, 308-1 Main Street, Lafayette, IN, said he is asking for the rezoning in order to construct 2 apartments on the second floor of this commercial building.

Phyllis Hunt, 602 North 5<sup>th</sup> Street, Lafayette, IN, stated that she is the President of the Historic Centennial Neighborhood Association. She said that there were concerns with the original request to CB. She thanked Matt Sutter for responding to her phone call and discussing the issue with her. She said that she appreciated that he amended the request to NBU. She thanked the staff for their input.

Jack Rhoda clarified that Phyllis Hunt was speaking in favor of the request.

The Commission voted by ballot 12 yes – 0 no to recommend approval of **Z-2120—MATT SUTTER (GB TO NBU to the Lafayette City Council.**

2. **Z-2122—G & S RENTALS, INC. (Villa on Pierce Street Planned Development)(CBW TO PDMX):** Petitioner is requesting rezoning of one lot on the east side of Pierce Street mid-block between State and Wood Sts. for a mixed use development with 6 apartments and a 2-story commercial space. The site is located in the Village at 128 Pierce Street, West Lafayette, Wabash 19 (SE) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Sallie Fahey read the staff report with recommendation of conditional approval contingent on the following:

Meeting all requirements of *UZO 2-27-10* for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. all sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. a final plat per UZO Appendix B-3-2 as applicable;
3. approval from the West Lafayette Greenspace Administrator on a final detailed landscape plan.

James Hawley presented slides of the zoning map, aerial photo, and sketch plan.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, stated that the petitioner and technical advisor were both present and available to answer any questions. He pointed out that if small pieces of the village were to be a continuous economically viable part of the community, they would have to be in a planned development. He said that this is a mixed use of commercial and residential. He stressed that the commercial uses were very restricted and limited to specific SIC codes. He said that this is a pedestrian sensitive situation and parking will be well balanced. He stated that all of the appropriate West Lafayette officials and departments have been consulted and involved in this development. He mentioned that each dwelling unit would have one parking space per bedroom, which is consistent with other plans in the area. He said that this is an ideal use of this lot. He pointed out that the university construction across Pierce Street and the City's curb and gutter and sidewalk plans make this an ideal time to get this development underway. He asked for approval.

Jan Mills stated that this was a very nice use for the village, where parking is at a premium. She said that it is a nice infill and a great idea.

The Commission voted by ballot 12 yes – 0 no to recommend conditional approval of **Z-2122—G & S RENTALS, INC. (Villa on Pierce Street Planned Development)(CBW TO PDMX)** to the West Lafayette City Council.

3. **Z-2123—DERRIN SORENSON (Hawthorne Meadows)(R2 & R3 TO PDRS):**  
Petitioner is requesting rezoning of 43.02 acres for a 178 lot single-family residential development located south of SR26E, west of CR 550E and northeast of the I-65 right-of-way, Perry 30 (SW) 23-3.

Jeff Kessler moved to hear and approve the above-described requests. Jan Mills seconded the motion.

Sallie Fahey read the staff report with recommendation of conditional approval contingent on the following:

Meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. all sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. a final plat per UZO Appendix B-3-2 as applicable

James Hawley presented slides of the zoning map, aerial, site map and landscaping plan.

Joseph T. Bumbleburg stated that the petitioner was present. He presented a display board of the site plan. He said that this is a part of a long-range plan that began in the early 1990's. He mentioned that the housing products that were going to be in this development were similar to the ones in parts of the development adjacent to the north. He concurred with the staff report. He stated that the goal of the development was to create affordable housing and that is being achieved. He said that the berming allows the unusual shape of the land to be well used. He mentioned that this was a superior development than what was allowed in an R2 or R3 zone. He pointed out that the planned development works well with the berming, ditch and long-range goals. He mentioned that there were recreation areas included in the plan. He pointed out that this is in proximity to the proposed YMCA and new school. He asked for approval.

Jan Mills asked if the 4-foot separated sidewalks would be on every street.

Margy Deverall responded affirmatively.

The Commission voted by ballot 12 yes – 0 no to recommend conditional approval of **Z-2123—DERRIN SORENSON (Hawthorne Meadows)(R2 & R3 TO PDRS)** to the Tippecanoe County Commissioners.

4. **Z-2124—MICHAEL A. DILLING (R2 TO NBU):** Petitioner is requesting rezoning of 8,466 square feet of land located at the southeast corner of 9<sup>th</sup> and South Streets (901 South Street), Lafayette, Fairfield 28 (NW) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

James Hawley presented a slide of the aerial photo. He mentioned that a copy of the zoning map was with the packet.

Michael Dilling, 901 South 9th Street, Lafayette, IN, stated that he was the owner of Dilling Insurance Agency and still occupied the property in question for that purpose. He pointed out that the other three corners of the intersection are zoned for commercial use. He said that his request was for NBU and the only changes he planned to make would be to add parking to the back of the facility.

David Lahr, 822 Kossuth Street, Lafayette, IN, stated that he was a member of the Historic 9<sup>th</sup> Street Hill Association and on the Board of the Tippecanoe County Historical Association. He said that Michael Dilling has been in this location since before the last rezoning and before railroad relocation and should be welcomed to stay there. He mentioned that the organizations that he represented would like to see the R2 zoning stay in place, in case Michael Dilling would ever want to sell the land. He said that the Tippecanoe County Historical Association might be interested in purchasing the property in the future. He stated that if the zoning for NBU was granted that would open the door for many more unwanted possibilities. He asked for a recommendation of denial. He pointed out that the organizations that he represented would be willing to work with Michael Dilling to achieve his goals with out having to change the zoning.

Kevin O'Brien, 508 Perrin Avenue, Lafayette, IN, stated that he was the Executive Director of the Tippecanoe County Historical Association. He asked for a recommendation of denial based on the historical nature of the site itself and it's large visual impact. He mentioned that the Fowler House was one of the most prominent historic structures in the community. He stated that the main concern was what doors would be opened by reclassifying this property for current and future owners. He pointed out that if Michael Dilling decided to sell the property it could end up in the hands of someone who does not share the same consciousness and might change it to something that would detract from the historical elements of the Fowler House. He mentioned that the Tippecanoe County Historical Society has always been interested in this property. He asked for a recommendation of denial.

Jane Boswell, 207 South 9<sup>th</sup> Street, Lafayette, IN, stated that she was a co-chair of the Historic 9<sup>th</sup> Street Hill Neighborhood Association and president of the Tippecanoe County Historical Association. She mentioned that the organizations that she represents have always agreed and supported the APC staff. She pointed out that the staff report stated that the land is vacant and Michael Dilling has stated that he is running a business. She referenced part of the staff's report, which stated that it has always been assumed this property would become part of the 9<sup>th</sup> Street Hill Association and that their vision for this site cannot now come to fruition. She stated that she believes that it still can. She said that the 9<sup>th</sup> Street Hill Association and Tippecanoe County Historical Association are coming into a position to purchase the land if it were to ever come up for sale again. She pointed out that if the issue of NBU was parking, then the 9<sup>th</sup> Street Hill Association would support a variance. She said that NBU is a concern because it allows building to the lot lines and 35 feet high.

Michael Dilling stated that he could appreciate the concerns of the Tippecanoe County Historical Association and the 9<sup>th</sup> Street Hill Association. He pointed out that he has been at that location for 15 years, has kept it well maintained and has no plans to leave it or change the structure. He mentioned that if he were ever to sell the property he would give them first option to buy.

Steve Schreckengast asked what NBU would do for his business that he cannot do already.

Michael Dilling stated that he would need the NBU zone if he wanted to add any kind of space at the back of the building.

Jack Rhoda pointed out that it is currently a non-conforming use and therefore cannot change it in any way.

Michael Dilling stated that he would never consider adding on height to the structure, but only to the back and parking.

Steve Schreckengast asked if he would also need a variance because he would be building close to the property line.

Jack Rhoda asked if he was purchasing part of the railroad relocation land and if that would increase the back boundary.

Michael Dilling replied affirmatively. He stated that there was about 40 feet from the museum wall that he was purchasing.

KD Benson asked if there were sewer lines that went through that area.

Michael Dilling replied affirmatively.

KD Benson pointed out that he could not build on them anyway.

Michael Dilling stated that there was only about 8-10 feet on the back of the building that he would be able to add on to. He mentioned that he has not made the determination as to whether or not he would be requesting a variance to do so.

KD Benson asked for confirmation that he did plan to add on.

Michael Dilling stated that eventually he planned to add on to the back and add parking, but it would not be in the near future.

Steve Schreckengast asked the staff if they looked at the site plan, as NBU, to determine if a variance would be required to add on.

James Hawley stated that they did not have a site plan because one is not required for a rezone request.

Steve Schreckengast pointed out that it is a very tight space and it seems likely that a parking or set back variance would be required to add on. He asked if it was feasible to add on to the building.

Jack Rhoda stated that at this time that should probably not be part of their consideration.

Steve Schreckengast stated that his concern was what he really intends for the building. He asked why he could not just continue doing what he was doing.

Jack Rhoda stated that as he understood it, Michael Dilling wants the ability to add on.

Michael Dilling stated yes, eventually.

Steve Schreckengast stated that he was questioning whether he actually could or not. He suggested that a PD might work instead.

Mark Hermodson pointed out that if the zoning was NBU, it could be added on right up until the sidewalk.

Steve Schreckengast stated that it would be good to have a site plan so that they could see if there could physically be an addition without a variance.

Jan Mills asked if the age of current building was known.

Michael Dilling stated that no one seemed to have that answer.

Jeff Kessler asked for clarification that an NBU zone would allow a height addition of up to 35 feet in height.

James Hawley responded that was correct. He stated that the first floor would have to be commercial but upper floors could be residential. He explained that these conditions could result in 2-3-story building in front of the Fowler House.

KD Benson asked for clarification that if the zoning stayed R2 the building could not be changed, even in height.

James Hawley stated that it could not be changed as a commercial use. He said that Mr. Dilling could not add volume or size to the building.

Karl Rutherford mentioned that the general consensus seemed to be that the Tippecanoe County Historical Association should have the property, if they wanted to work out a deal together. He said that other than that option, he could not see a reason to deny the request of R2 to NBU for a business that is already established in this location. He pointed out that if the Tippecanoe County Historical Association showed some interest in purchasing the property, the case could be continued one month to give them the opportunity to work with Michael Dilling.

Michael Dilling mentioned that he never said it was up for sale, but would be open to listening to an offer.

Karl Rutherford stated that his point was that if they were interested, they should actively pursue it before the zoning was changed.

Michael Dilling pointed out that was strictly hypothetical.

KD Benson said that she agreed with Karl Rutherford that it should be a business zone, since it is business. She pointed out that if the zoning does not change then the building does not change.

Ashley Stevenson pointed out that it could be changed into a duplex, if the zoning stayed the same.

Jay Seeger mentioned that it could be torn down and rebuilt as a duplex.

James Hawley stated that the problem with that was in an R2 district, the full 60' setbacks from the arterials would have to be complied with because there are no zero setbacks in the R2 district. He said that only the U districts allowed a zero setback. He explained that after the setbacks were complied with, there would be no land left on which to build without significant variances. He pointed out that the existing building could continue to be utilized in its current purpose, forever.

KD Benson asked if parking could also continue or begin to exist on this site.

James Hawley stated that would depend on where the railroad right-of-way was.

Stuart Boehning stated that he empathized with both viewpoints. He said that if Michael Dilling were interested in a different type of use, he would be in favor of supporting a planned development. He pointed out that a planned development would be able to satisfy Michael Dilling as well as protect the integrity of the Fowler House. He stated that he could not support a NBU zone because of the consequences that might result from a future owner.

Michael Dilling pointed out that there is no room to grow his business without the change in zoning.

Stuart Boehning explained that a planned development would allow the staff and Michael Dilling to work out a configuration that would work for both of them.

Jack Rhoda stated that Michael Dilling could request a planned development, where he could negotiate with the staff all the aspects of what he wanted to accomplish. He explained that those negotiated aspects would be fixed to the property and would not leave the door open for a lot of other uses that would compromise the integrity of the neighborhood.

Michael Dilling mentioned that if he sold the property under the R2 zone, the door would still be open for other possibilities.

Jack Rhoda explained that the setback requirements of an R2 would prohibit any significant building on that site, as far as a new structure. He stated that he would have to obtain setback variances and given the situation, that would not be an easy task.

KD Benson asked Kevin O'Brien if the Tippecanoe County Historical Association currently has right of first refusal to purchase of the property.

Kevin O'Brien replied negatively.

Michael Dilling stated that he granted the Tippecanoe County Historical Association that right verbally, but they never asked him to formalize it in writing.

Jack Rhoda suggested that Michael Dilling consider the option that Stuart Boehning presented of requesting a continuance in order to work with staff on the possibility of a planned development. He pointed out that Michael has been there for 15 years, is a good neighbor and has a right to stay and expand. He explained that NBU would stay with the property even if Michael Dilling did not, and the new owner may not be as sensitive as to the area. He asked the staff if Michael Dilling could negotiate a planned development with them.

James Hawley stated that they would have to see a proposal.

Sallie Fahey stated that if Michael Dilling wanted to request a continuance, that would allow him time to talk to staff about the planned development process and requirements. She said that at that time he would at least be better informed regarding what courses of action he had available.

Jack Rhoda reiterated the procedures of a continuance and options that had been suggested to him.

Sallie Fahey stated that the purpose of the continuance would be for the sole purpose of Michael Dilling making an informed decision as to what course of action he wanted to pursue.

Michael Dilling asked what his options were if he proceeded with the rezone request and it was denied.

James Hawley stated that a recommendation of denial by the Plan Commission goes before the City Council for it to make the final decision. He said that if the City Council denies a request, the same request couldn't be made for one calendar year.

Stuart Boehning pointed out that he could request a planned development, because that was a different request.

James Hawley replied affirmatively.

Jack Rhoda reiterated that the Plan Commission wanted the business to stay on that property and have the ability to expand, while still protecting that property from future misuse.

Michael Dilling asked if, as the owner, he would be able to rent out the property to another business in an R2 zone.

Several members and staff replied yes.

Jay Seeger stated that the same type of business could continue as a non-conforming use, unless it is vacant for too long. He said that the other option was that it could be rented out as a residence.

Sallie Fahey stated that the answer to the question of whether or not it can be rented to a business under an R2 zone, is that it can so long as it is the same type of business or a less intense business.

Karl Rutherford stated that it would not be limited to financial services.

Michael Dilling asked for clarification that it could be rented to any business under the NBU classification.

James Hawley responded negatively. He stated that it could only be rented to a business that qualified under the same service classification as the current business.

Michael Dilling asked what business would be similar.

James Hawley stated that he would have to consult the City of Lafayette Engineer's office to obtain a list of businesses that were considered similar.

Jack Rhoda suggested that Michael Dilling request a continuance to next month, in order to have time to explore the planned development possibility with the staff. He explained that if the planned development ended up not working for what he wanted or he did not like the process, the case would still be heard as is at next month's APC meeting.

Michael Dilling requested for continuance to next month's APC meeting.

Jeff Kessler withdrew the previous motion to hear and approve **Z-2124—MICHAEL A. DILLING (R2 TO NBU)**.

Jeff Kessler moved to continue **Z-2124—MICHAEL A. DILLING (R2 TO NBU)** to the June 18, 2003 Area Plan Commission meeting. Jan Mills seconded and the motioned carried by voice vote.

5. **Z-2126—ALCOA c/o DAVID R. WARSHAUER for BARNES & THORNBURG (I3 TO GB):** Petitioner is requesting rezoning of 32.886 acres located on the north side of Teal Road just west of the US 52 intersection, Lafayette, Fairfield 34 (NW) 23-4.

Jeff Kessler moved to hear and approve the above-described requests. Jan Mills seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

James Hawley presented slides of the zoning map and aerial photo.

Jack Rhoda asked for clarification on where the ingress/egress would be on US 52.

James Hawley pointed out the locations on the aerial slide. He mentioned that INDOT and the Technical Transportation Committee still has to weigh in on the subject of entrances and traffic lights.

Sallie Fahey read into the record the following letters:

Joe Hardage, Hardage Real Estate LLC, P.O. Box 88657, Atlanta GA, dated May 10, 2003, in support of the rezone request.

E. Dana Smith, Greater Lafayette Chamber of Commerce, 337 Columbia Street, Lafayette, IN, dated May 19, 2003, in support of the rezone request.

Joseph T. Bumbleburg stated that he was one of the attorneys representing the petitioner. He informed the Commission that David Warshauer of Barnes and Thornburg was present and also representing the petitioner. He mentioned that the engineers and members of the factory's management team were also present. He stated that they have met with the staff and every government entity involved with this project. He said that this property involves 32 acres that Alcoa no longer needs and cannot use. He stated that currently this land is a liability and this request is a way to make it productive again, for them and the community. He concurred with the staff report. He used the color aerial to point out the land in question as well as buildings which are no longer in use. He mentioned that the trees that were planted by the Tree Fund, would be relocated, and he has started talks to make that happen. He stated that the traffic concerns that James Hawley mentioned would be addressed at a later time.



David Warshauer, Barnes and Thornburg, 11 South Meridian St., Indianapolis, IN, stated that he is part of a team that Alcoa put together to work on this redevelopment. He pointed out that this is a very important matter to Alcoa and it's Lafayette operations. He thanked the staff for their co-operation and assistance. He concurred with the staff report. He explained that the GB classification was the best one for both Alcoa and the community. He informed the Commission that this property has not been utilized in any substantial way in connection with Alcoa's operation. He mentioned that some of the buildings started in the 1970s were never even completed and have only been used for rough storage since. He stated that Alcoa views this as surplus land. He informed the Commission that if rezoned to GB, Alcoa would like to sell the land and focus on its industrial production. He stated that Alcoa did not want to do anything that would have an adverse effect on their operations, and the uses in the GB district are consistent with this goal. He pointed out that the current site and infrastructure would be relocated in order to allow both retail and industrial to coexist. He mentioned that the railroad tracks would be removed as well as the unfinished, unused buildings. He pointed out that the GB zone was in keeping with the nature of all the surrounding uses. He stated that redeveloping this under-used industrial site into retail establishments would be a great opportunity for Lafayette, Tippecanoe County and Alcoa. He said that it would allow additional retail facilities to be put on site that already have access to the urban infrastructure. He stated that this was an infill development in the best sense of the term. He said that the team members would continue to work with all pertinent government entities. He asked for approval.

Jeff Kessler stated that he was in support of this petition, and it was overdue.

The Commission voted by ballot 12 yes – 0 no to recommend approval of **Z-2126—ALCOA c/o DAVID R. WARSHAUER for BARNES & THORNBURG (I3 TO GB)** to the Lafayette City Council.

6. **Z-2127—RONALD D. KOEHLER & CINDY KAY MARSH (R1 TO NB):**  
Petitioners are requesting rezoning of a 10.0 acre tract located on the west side of Dayton Road, approximately 300' south of the railroad tracks in the Town of Dayton, Sheffield 9 (NW) 22-3.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Sallie Fahey read the staff report with recommendation of denial. She read into the record the following letter:

Town Of Dayton, Town Council, PO Box 557, Dayton IN, dated April 21, 2003, signed by Mike Harris, Council President, in support of the rezone request.

James Hawley presented slides of the zoning map.

David Dobbin, 2504 Dobbin Drive, Dayton, IN, stated that he was a landscape architect and planner and has worked for the Koehlers since 1983. He presented a handout including an article from the Journal and Courier and pictures. He referenced the slides previously presented by the staff and pointed out that all of the surrounding area, zoned R1, is owned by the Koehlers. He explained the plans the Koehlers have for the property including moving an historical barn to the area and recreating an historic farm. He pointed out a small parcel of land that has a museum, which according to the APC had to have it's own parcel. He mentioned that there is also an 1890's home on the property, which will be renovated. He reiterated that most of the surrounding area is owned by the Koehlers. He mentioned that included on their property is a 1960's era brick home that was falling in on itself and the Koehlers saved and renovated it in 1973. He explained that they purchased the land around the home in order to recreate the entire plantation, and even moved newer homes off of the property. He stressed that their main interest was antiques and historic preservation, with the nursery business as a sideline. He pointed out that the Koehlers have been working to preserve Dayton, prior to any of the historical projects in Lafayette, such as the Perrin, or Downtown Upper Main Historical districts. He asked them to allow the Koehlers to continue to save historic buildings.

David Linenger, 764 Shady Lane, Dayton, IN, stated that he owns quite a lot of land that abuts this property. He said that he wholly supports the Koehler's vision to maintain the tranquility of Dayton as opposed to the growth of 6 or 7 houses per acre. He mentioned that the Town Council of Dayton also supports this vision. He pointed out that the Koehlers have done all of this historic preservation at their

own expense. He explained that the next step was to build an entire historic village, which will bring visitors and tranquility to the area. He reiterated that he supports this petition.

LaDonna Snyder, 742 Shady Lane, Dayton, IN, stated that she is opposed to this petition because there is no guarantee how something is going to be used when it is rezoned, especially to an NB zone. She stated that she feels the NB zone is too permissive for such a large tract of land. She said that her concern was that someday the property might not be under the control of the Koehlers. She mentioned that a 10-acre zone in the middle of a residential area could be developed into a lot of various uses. She stated that in addition to selling antiques, there has also been mention of selling nursery plants, Christmas trees and farmers or flea market. She pointed out that an NB zone would allow those uses. She commented that this plan goes against what the Town Council has planned. She pointed out that in the Town Council's Land Use Plan the intent for that area as all R1. She informed the Commission that requests have been turned down in that area for both commercial and multi family residential uses. She said that if this plan was proposed for the area near the interstate, which the Council has planned for commercial, then she would be in full support of it. She stated that Ron Koehler was a good neighbor, but she did not want business in her back yard. She suggested that it be in a different location or have a more restrictive zone than NB.

Robert Bowman, 291 Republican Street, Dayton, IN, stated that he was a former town board member and was opposed to rezoning this area NB. He said that in 1995, an extensive study was done for the Comprehensive Plan, and the decision was made to leave this area of 110 acres as an R1 district. He explained that the reason was to keep the businesses out by the interstate as much as possible. He informed the Commission that the contract with the City of Lafayette for sewer and water only applied up to CR 375 South. He stated that if this area were to become some type of business, NB and GB would be the worst options possible. He suggested a zone of PD, if it could be worked out. He disagreed with the Town Board's recommendation and the process used to furnish that recommendation. He asked for denial.

David Dobbin asked if it would be a smart consideration to request a continuance in order to work on a planned development, due to the fears and concerns expressed by neighbors.

Jack Rhoda stated that would be his decision to make as the petitioner's representative, although it did seem logical.

David Dobbin stated that he was concerned over the opinions that were expressed and would like to clear them up.

Jack Rhoda asked if he understood that those opposing statements are correct and NB can contain a lot of various uses.

David Dobbin stated that he understood completely. He said that if NB was too permissive, then more discussion should take place.

Jack Rhoda agreed with that statement.

David Dobbin requested a continuance to next month's APC meeting.

Jeff Kessler withdrew the previous motion to hear and approve **Z-2127—RONALD D. KOEHLER & CINDY KAY MARSH (R1 TO NB).**

Jeff Kessler moved to continue **Z-2127—RONALD D. KOEHLER & CINDY KAY MARSH (R1 TO NB)** to the June 18, 2003 Area Plan Commission Meeting. Jan Mills seconded and the motion passed by voice vote.

7. **Z-2128—R. GREGG SUTTER (Booth Farms Rural Estate)(A TO RE):**  
Petitioner is requesting rezoning of 11.476 acres located on the north side of CR700 N, just east of the CR 800 E intersection, Washington 15 (SW) 24-3.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

James Hawley presented slides of the zoning map, aerial photo, and sketch plan.

Bob Gross, 420 Columbia Street, Ste 100, Lafayette, IN, stated that he concurred with the staff report and asked for approval.

KD Benson asked if during the subdivision process the means of access would be determined.

James Hawley stated that the existing entrance road to the parcelization would be used. He informed the Commission that Gregg Sutter already controls the entire drive up to that point, so that would be the portion that is improved.

KD Benson asked about the small section on the corner.

Bob Gross stated that piece was designed because Gregg Sutter did not control the piece to the northwest and he could not use that frontage.

Sallie Fahey explained that this was done in an effort for it to comply with the necessary improvements. She referred to a section on the map and said that after the lot is recorded, it will be joined with another piece. She stated that it is a transition piece.

The Commission voted by ballot 12 yes – 0 no to recommend approval **Z-2128—R. GREGG SUTTER (Booth Farms Rural Estate)(A TO RE)** to the Tippecanoe County Commissioners.

James Hawley commented that in regard to the Koehler case, there are similar villages across the country. He stated that this type of development is best handled under the PD process, so that it can be properly managed.

Mark Hermodson stated that the plan was nice, but the zone is not.

Several members agreed.

#### C. SUBDIVISIONS

1. **S-3303—NORFOLK CROSSING (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for a 27-lot single-family subdivision on 4.86 acres. The site is located on the northwest side of Washington Street, between Smith and Weaver Streets, in the City of Lafayette, Fairfield 29 (SW) 23-4.  
CONTINUED FROM THE APRIL MEETING.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Sallie Fahey read the staff report with recommendation of conditional primary approval contingent on the following conditions:

#### A. Variances

1. A variance to permit the non-standard "T" turnaround at the end of the proposed Weaver Street extension, as shown on the preliminary plat.

#### B. Conditions

**CONSTRUCTION PLANS** – The following items shall be part of the Construction Plans application and approval:

1. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

2. "No Vehicular Access" statement shall be platted along the Washington Street right-of-way line.
  3. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
  4. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
  5. All required building setbacks shall be platted.
  6. The street addresses and County Auditor's Key Number shall be shown.
- SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:
7. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

James Hawley presented slides of the zoning map, aerial photo and preliminary plat..

Jack Rhoda asked for an explanation of the variance.

Sallie Fahey explained that there was not enough room to do a full cul-de-sac because Weaver Street was being extended.

Charles Ortnier, 660 North 36<sup>th</sup> Street, Lafayette, IN, stated that he was available to answer any questions.

The Commission voted by ballot 12 yes to 0 no to approve the request for variance.

The Commission voted by ballot 12 yes – 0 no for conditional primary approval of **S-3303—NORFOLK CROSSING (MAJOR-PRELIMINARY).**

The Commission voted by ballot 12 yes to 0 no to permit bonding.

2. **S-3304—STOLZ SECOND MINOR SUBDIVISION (MINOR-SKETCH):**  
Petitioners are seeking primary approval for a 1-lot subdivision on 5.743 acres, located on the south side of US 52, just west of CR 400 W, in Wabash 4 (SE) 23-5. CONTINUED FROM THE APRIL MEETING.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Sallie Fahey read the staff report with recommendation of conditional primary approval contingent on the following conditions:

A. Conditions

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. A "No Vehicular Access" statement shall be platted along the US 52 right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.
5. Street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

James Hawley presented slides of the zoning map, aerial photo and sketch plan.

Paul Coutts, 1719 Monon Ave., Lafayette, IN, concurred with the conditions and asked for approval.

The Commission voted by ballot 12 yes – 0 no for conditional primary approval of **S-3304—STOLZ SECOND MINOR SUBDIVISION (MINOR-SKETCH)**.

3. **S-3315—WAKEROBIN ESTATES III SUBDIVISION (MAJOR-PRELIMINARY):**  
Petitioner is seeking primary approval for an 80-lot single-family addition to the existing Wakerobin Estates. The 31.48 acre site is located on the north side of Lindberg Road, bordering the west side of Wakerobin Estates II, in Wabash 11 (SW) 23-5.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Sallie Fahey read the staff report with recommendation of conditional primary approval contingent on the following conditions:

A. Conditions

1. The Post Office and 911 shall approve the street names prior to inclusion in the construction plans and the final plat.

**CONSTRUCTION PLANS** – The following items shall be part of the Construction Plans application and approval:

2. Depending on which jurisdiction will serve the subdivision, either the West Lafayette City Engineer or American Suburban Utilities, Inc. shall approve the sanitary sewer plans.
3. Indiana-American Water Company, Inc shall approve the water plans.
4. The fire hydrants shall be approved by the Wabash Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the Water Company in cooperation with the Fire Department.
5. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
6. The County Drainage Board shall approve the drainage plans.
7. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
8. The required bufferyard shall be shown with the standard plant unit details and shall be installed as part of required public improvements.

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

9. "No Vehicular Access" statements shall be platted along the Lindberg and Klondike Roads right-of-way lines, as noted on the preliminary plat.
10. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
11. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
12. The two common areas shall be labeled Outlots A and B.
13. All required building setbacks shall be platted.
14. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

15. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
16. The purpose, ownership and maintenance of the outlots shall be specified.

James Hawley presented slides of the zoning map, aerial photo and preliminary plat.

Marianne Owen, Stuart & Branigin, 300 Main Street, Suite 800, Lafayette, IN, requested approval for the expansion of the Wakerobin Subdivision. She presented a display board of the development and pointed out the accesses. She mentioned that both the Plan Commission and the County Commissioners have approved the rezone. She stated that the use is appropriate and meets all the subdivision requirements and ordinances. She asked for approval and permission to bond.

Larry Sturgeon, 2270 Klondike Road, West Lafayette, IN, stated that he was concerned about the drainage in the area. He mentioned that the plot plan says the drainage will go to the retention pond. He pointed out that part of the area drains underground.

Jack Rhoda stated that the County Drainage Board would hear this case.

Larry Sturgeon stated that it has been two years and it is still an issue and he still has water problems.

Jack Rhoda stated that the Plan Commission could not address that problem. He said that he wanted to make sure Larry Sturgeon knew when the Drainage Board meeting was.

KD Benson stated that the Drainage Board meets the first Wednesday of the month at 10 am.

The Commission voted by ballot 12 yes – 0 no for conditional primary approval of **S-3315—WAKEROBIN ESTATES III SUBDIVISION (MAJOR-PRELIMINARY).**

The Commission voted by ballot 12 yes to 0 no to permit bonding.

#### D. PLAT VACATIONS

1. **V-41—DANIEL W. KRUEGER, D.D.S., P.C.:** Petitioner is seeking the vacation of Lots 3, 4 and portions of Lots 2 and 5, in the Haworth Subdivision of Part of Lot 1 in the Northern Subdivision of Chauncey, West Lafayette, Wabash 17 (SW) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

James Hawley presented slides of the zoning map, aerial photo, and plot to be vacated.

Marianne Owen stated that Dr. and Mrs. Krueger were present. She explained that this property has been used as a single unit for many years, but has multiple tracts. She said that they wanted to clean up the lines in order to allow them to add 206 square feet and improve it over all. She stated that the removal of these lot lines would not be a detriment to the area, but would enhance it.

James Hawley mentioned that the attorney is required to verify these votes. He explained that 30 days after the vote, he would record the decision finalizing the process.

The Commission voted by ballot 12 yes – 0 no to approve **V-41—DANIEL W. KRUEGER, D.D.S., P.C.**

#### V. ADMINISTRATIVE MATTERS

##### A. Building and demolition permit information for Tippecanoe County.

Brian Weber presented maps to the Commission. He explained that the first map shows the building and demolition permits that have been issued for the past three years. He pointed out that much of the area growth is occurring to the west of West Lafayette and to the east and the south of Lafayette City proper. He said that it is aggregated by census blocks, in the smallest geographic blocks possible. He explained what the colors on the map represented. He noted that there have been 4700 net dwelling units added to the County in the past three years.

Jeff Kessler state that the map presented was a wonderful tool.

Brian Weber stated that this map represented the result of what the Plan Commission has been doing for the last three years.

### **B. Proposed route for US 231 and the Hoosier Heartland Corridor.**

Doug Poad stated that the first map, which showed the Hoosier Heartland Corridor, was the preferred route recommended by the Governor in January 2003. He pointed out that the new road would be combining both the rail and new road close together. He mentioned that of all the proposed routes, the one that was chosen was the one submitted by the Plan Commission. He stated that one of the benefits of having the two routes close together would be that bridges would be built over County Roads that cross and intersect it. He pointed out several sites that would have bridges built. He said that another benefit of the routes being close together and building bridges will reduce approximately one dozen railroad crossings. He stated that at this time the average number of trains that use this track is 40-50 per day with a maximum of 70 per day. He said that the speed of the trains in this area is 50-60 miles per hour. He mentioned that this is considered as a continuation of the Lafayette railroad relocation project. He said that the consultant is currently preparing the engineer's report, which is the last report before Federal Highway review and approval. He anticipated that all the documentation would be submitted to the Federal Highway Administration by late summer/early fall and hoped for their approval. He stated that once the record of decision was done, then the Indiana Department of Transportation could start the engineering phase.

Karl Rutherford asked if the environmental issues and evaluations had already been completed.

James Hawley replied negatively. He stated that the Environmental Impact Statement was still in the middle of development. He mentioned that the Endangered Species Evaluation by the Fish and Wildlife is also a part of that discussion. He said that any concerns raised from this discussion could add an additional 135 days to the process of review.

Doug Poad referred to the map of the proposed 231 route. He stated that discussion on this project started in 2001 and hopefully would be concluded in the near future. He mentioned that there was a public meeting regarding this project held on October 3, 2002. He said that after that meeting the consultant prepared the engineering report and finalized it. He stated that the consultant has also prepared a Finding of No Significant Impact report and submitted to the Federal Highway Administration for their review. He said that once the Federal Highway Administration approves it, then INDOT could begin the engineering phase. He pointed out that the Record of Decision and Final Impact Statement was already approved for this project in 1992. He stated that INDOT felt it was necessary to revisit the corridor location due to all of the new development since 1992. He informed the Commission that INDOT has requested that the Transportation Improvement Program be amended to program the use of Federal funds for engineering. He stated that amendment was presented to the Technical Committee earlier that day, and will soon be submitted to the APC.

Jack Rhoda asked what assurance there is that this road will not turn out like State Road 26.

Doug Poad stated that the decision was made that as property is acquired, it will be acquired as limited access. He said that the State will purchase the rights of the property owners and not allow any driveways be permitted on the new corridor. He mentioned that the only access that will be allowed would be via County Roads.

Karl Rutherford asked if any or all of the maps presented were available on the website.

Doug Poad responded affirmatively. He said that the 231 map is available on the website as is. He stated that the Hoosier Heartland map that is on the website is not as detailed as the handout. He informed the Commission that the detailed version was available in the APC office.

KD Benson stressed that the route that INDOT chose for the Hoosier Heartland, was the route submitted by the APC and all the work that went in to it.

### **C. Distribution of 2002 Annual Report**

Margy Deverall stated that the Annual Report was completed and available for review.

## **VI. APPROVAL OF THE MAY 2003 EXECUTIVE COMMITTEE AGENDA**

Jeff Kessler moved to amend the June 4, 2003 Executive Committee Agenda, to include under New Business the Fiscal Year UPWP 2004 as presented. He also moved that the following subdivision petitions be placed on the June 4, 2003 Executive Committee Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

**S-3290-RED HAWK RIDGE SUBDIVISION (MINOR –SKETCH)**

**S-3319-LAURAMIE ESTATES (MINOR-SKETCH)**

**S-3325-GERMAN MINOR SUBDIVISION (MINOR-SKETCH)**

Jan Mills seconded and the motion carried by voice vote.

## **VII. DETERMINATION OF VARIANCES – Area Board of Zoning Appeals**

Jeff Kessler moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute.

**BZA—1634- HAWKINS OUTDOOR**

**BZA—1638—WAL-MART REAL ESTATE BUSINESS TRUST**

**BZA—1639—GREGORY A. JACOBS.**

Jan Mills seconded and the motion carried by voice vote.

Jeff Kessler moved that with regard to the following petitions, the sign ordinance be strictly adhered to:

**BZA—1634- HAWKINS OUTDOOR**

Jan Mills seconded and the motion carried by voice vote.

## **VIII. DIRECTOR'S REPORT**

James Hawley stated that Karl Rutherford asked for information on the daily tasks of the Executive Director, and he presented that list to the Commission. He said that the list consisted of tasks over a seven-day period.

He presented a letter to the Commission from PM and Associates which stated that they wanted the record to show that the product being used on the Mennen rezone, was not the same one he testified for. He said that the letter mentioned that their endorsement for the product they testified for was not an endorsement for the product actually being used.

Steve Schreckengast asked who approved the current system being used.

James Hawley stated that as an experimental system, it was approved by the Indiana State Department of Health. He mentioned that there have been some failures using that system and one of the failures was in this County.

Karl Rutherford asked that if the system fails, does the Health Department requires them to change it.

James Hawley replied that might happen if it is possible to replace it.

Karl Rutherford stated his opinion that PM and Associates wrote the letter simply because they did not win the bid for the project.

James Hawley stated that PM and Associates only wanted the record to show that they were only endorsing their own products and system.

Steve Schreckengast asked for clarification if the system that was currently being used was for a single lot.

James Hawley stated that he original proposal was for one on every lot.

Steve Schreckengast stated that he is basically creating his own utility.

James Hawley stated that it is a single system on a community collection system and a final process with drip filter.



Steve Schreckengast pointed out that this did not pertain to the system. He asked for clarification that the current system was approved by the Indiana Department of Health.

James Hawley responded affirmatively, as an experimental system.

Steve Schreckengast stated that he was under the impression that creating his own utility was a better way to do it.

James Hawley stated that it might be a better system if the final result is a system that continues to function properly. He said that the local and state health departments would determine that. He reiterated that it is an experimental system.

Jack Rhoda asked if the current system is the type of system that might have to go into the Town of Romney.

James Hawley explained how the collection system could be linked to the City of Lafayette's system.

He informed the Commission that he submitted the advertisement to the APA for the Executive Director position. He stated that the posting costs \$252, which depletes the advertising budget. He said that the Journal and Courier classified advertisement costs \$88 per weekend and the Indianapolis Star costs \$150 per weekend for the same advertisement. He mentioned that he discussed these costs with Jack Rhoda because it had not been previously discussed with Kathy Vernon or Jeff Kessler. He said that there would be more response from the Journal and Courier and the APA than anywhere else. He informed the Commission that he was able to obtain 15 days free in the APA's magazine that is published on July 1, 2003. He stressed that if he places advertisements, he has to have the money to pay for them and the money has not been obtained from the County Council yet. He pointed out that even if the County Council approves the request for funds in June, the money would not be available until the State Board of Accounts approves it.

Karl Rutherford suggested moving the money from one internal account to another. He stated that he did not understand why there was a Committee to make these decisions and the decisions are circumvented at the next step anyway.

James Hawley reiterated that the advertisement would be placed in the Journal and Courier. He explained that his question was whether or not the Commission wanted to take money out of another account that was already short on funds or not.

Jack Rhoda stated that when he discussed the issue with James Hawley he decided to make an executive decision to abandon the Indianapolis Star advertisement due to the funding issue.

Karl Rutherford stated that this is a problem that was encountered often. He questioned whether the President had the authority to circumvent a decision of a Committee.

Jack Rhoda stated that there is no money to do what the Committee said that it wanted to do.

Steve Schreckengast asked for clarification that there was no money for the advertisement.

Jeff Kessler stated that James Hawley took the time to call him and Kathy Vernon. He stated that there is no money available, but James Hawley will be requesting more funds at the June meeting. He explained that as of right now the money is not available because when the budget was set up last year the expense was not anticipated.

James Hawley reiterated that the budget was actually cut by 50%.

Steve Schreckengast commented that hopefully the County Council would have some flexibility.

Jeff Kessler agreed. He explained that the money has not been requested yet, but will be in June.

Karl Rutherford suggested that in the interim, money be transferred from one account to another.

Jeff Kessler stated that Karl Rutherford's suggestion makes sense, except that, if the County Council denies the request, there will be no money to operate for the rest of the year.

Steve Schreckengast asked for clarification that we would not have an answer in time.

James Hawley stated that they would not have an answer until after the advertisements were committed.

Jeff Kessler stated that the County Council only meets once a month.

James Hawley explained that he filed the request and was able to meet the filing deadline. He pointed out that even when the County Council approves the request, the money is still not available until the State Board of Accounts approves the appropriation.

Karl Rutherford mentioned an example of when signs were low and they were able to transfer money from one account to another to buy more signs. He stated that this is the same concept.

Jack Rhoda stated his opinion that because of the other methods of advertising being used, it was reasonable to cancel the Indianapolis Starr.

Steve Schreckengast asked for a recap of the costs.

James Hawley recapped the costs of all advertising methods.

Steve Schreckengast asked Jeff Kessler if he thought it would be safe to transfer money.

Jeff Kessler stated that although his opinion was that the County Council would grant the request, there is no way to guarantee that would happen.

Jan Mills pointed out that when James Hawley came to the County Council to ask for travel money to send Sallie Fahey to a professional conference, the Council denied the request and Sallie Fahey paid out of her own pocket. She stressed that there were no guarantees that there would be money for the search.

Steve Schreckengast asked for clarification that there might not be money for the entire search, not just this ad.

James Hawley replied affirmatively. He informed the Commission that he listed the funds separately for the Council to review as well as for accounting purposes.

KD Benson asked James Hawley if he has spoken to anyone on the Council other than Jeff Kessler and Kathy Vernon.

James Hawley replied no because Jeff Kessler and Kathy Vernon are the APC representatives and they have to be the ones to move forward with it.

Jeff Kessler stated his opinion that the request will be granted.

Jack Rhoda pointed out that the Indianapolis Star was much more expensive for the same advertisement. He stated that the value of the advertisement was not worth what the Committee had decided.

KD Benson stated that although she was never an advocate of using the Indianapolis Star, she agreed that the Committee made the decision and now it was overturned.

Jack Rhoda reiterated that there is no money to do it.

James Hawley pointed out that the County Council's decision on granting the money would be made before any other expenses would be committed.

Jack Rhoda stated that he understood that Karl Rutherford was arguing the process and not the decision. He pointed out that there has to be some flexibility when there are no other options.

Karl Rutherford suggested putting into effect a plan B, in case the Council's decision is not made before someone has to be flown in.

Jeff Kessler stated that the next County Council meeting would be the second Tuesday of June.

James Hawley reiterated that even if it is approved, they still have to wait until the State Board of Accounts approves it also. He said that process usually takes 2-3 weeks.

Steve Schreckengast asked if either of the Cities could or would be contributing to the funding.

Jeff Kessler stated that he did not have an answer to that question.

James Hawley pointed out that if the funds were committed by transferring money between accounts when the accounts are already short, items and supplies that are required for the office to function would be depleted as well.

Steve Schreckengast asked if any presentations at all have been made before the County Council. He asked if the Council was aware of the impending expense.

Jeff Kessler replied affirmatively.

James Hawley pointed out that even though they are aware of the expense that does not mean they are prepared to fund it. He mentioned that there are other departments that are also competing for expenses. He stated that they were not willing to fund the other half of the request to increase the Assistant Directors salaries, even though they had promised the year before.

KD Benson asked if it was the Budget Committee who signed off on transferring money.

James Hawley stated that he has the authority to do that.

KD Benson stated that if the APC instructs him to advertise in the Indianapolis Star what would happen.

James Hawley stated that he would have to come up with the money.

Steve Schreckengast asked KD Benson if the County has ever had luck in advertising in the Star.

KD Benson replied negatively.

Steve Schreckengast moved to accept Jack Rhoda's recommendation to cancel the Indianapolis Star advertisement. Mark Hermodson seconded and the motion carried by voice vote

#### **IX. CITIZENS' COMMENTS AND GRIEVANCES**

Jan Mills thanked the staff for the Annual Report and for condensing the format.

#### **X. ADJOURNMENT**

Jeff Kessler moved for adjournment. Jan Mills seconded and the motion carried by voice vote.

The meeting was adjourned at 10:00 P.M.

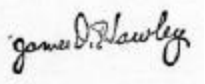
Respectfully submitted,



Michelle D'Andrea

Recording Secretary

Reviewed by,

A handwritten signature in black ink, appearing to read "James D. Hawley", written in a cursive style.

James D. Hawley  
Executive Director